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5 Attorneys for Defendant and Cross-Complainant,
HIGGS, FLETCHER & MACK, LLP

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

11 BROOKMEAD PARTNERS, LP,
a Nevada limited partnership,

Case No. 08 CV 659 JLS (WMC)

Plaintiff,

**RESPONSE TO SARACIA L.P.
SHANAHAN'S EX PARTE
APPLICATION FOR ENLARGEMENT
OF TIME TO RESPOND TO
COMPLAINT, CROSS-COMPLAINT-IN-
INTERPLEADER, AND CROSS-CLAIM**

14 Interinsurance Exchange Of
15 The Automobile Club, a California
business entity,
16 Saracia L.P. Shannahan, and
William P. Shannahan,
17 Higgs, Fletcher & Mack, a California
business entity,

Before the Honorable:
United States District Judge
Janis L. Sammartino

18 Defendants.

HIGGS, FLETCHER & MACK, LLP,
Cross-Complainant,

22 BROOKMEAD PARTNERS, LP,
23 a Nevada limited partnership, SARACIA
24 L.P. SHANAHAN, and DOES 1-50,
inclusive

25 | Cross-Defendants.

27 11

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1 Defendant and Cross-Complainant, HIGGS, FLETCHER & MACK LLP
2 (“HF&M”) does not object to Defendant and Cross-Defendant, SARACIA L.P.
3 SHANNAHAN’s (“Saracia”) request for enlargement of time to answer the complaint,
4 cross-complaint or cross-claim. In doing so, however, HF&M notes that Saracia’s
5 pending ex parte application for emergency relief is in substance, if not in form, a Rule 12
6 motion, and that the essential Rule 12 motion should be held in the context of a proper, noticed
7 motion under that statute, rather than have the issue proceed in the context of the supposedly
8 “emergency” motion presently pending before the Court.

Dated: July 31, 2008

HIGGS, FLETCHER & MACK LP

/s/ Michael R. Gibson

MICHAEL R. GIBSON, ESQ.
JOHN M. MORRIS, ESQ.
Appearing on behalf of Defendant
and Cross-Complainant
HIGGS, FLETCHER & MACK, LP

1 JOHN M. MORRIS, ESQ. (Bar No. 116879)
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

10 BROOKMEAD PARTNERS, LP,
a Nevada limited partnership,

CASE NO. 08 CV 659 JLS (WMc)

PROOF OF SERVICE

Plaintiff,

V.

13 Interinsurance Exchange Of The Automobile
14 Club, a California business entity,
15 Saracia L.P. Shannahan, and
William P. Shannahan,

16 Defendants.

17 HIGGS, FLETCHER & MACK, LLP,

18 | Cross-Complainant

19 | v.

20 BROOKMEAD PARTNERS, LP,
21 a Nevada limited partnership, SARACIA
L.P. SHANAHAN, and DOES 1-50,
inclusive

²² Cross-Defendants.

24 ||| J. Genje W. Jones, CCLS, declare:

25 I am a resident of the State of California and over the age of eighteen years, and not a
26 party to the within-entitled action; my business address is 401 West "A" Street, Suite 2600,
27 San Diego, California 92101-7913. On July 31, 2008, I served the within documents, with all
28 exhibits (if any): **RESPONSE TO SARACIA L.P. SHANNAHAN'S EX PARTE**

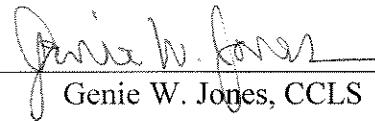
1 **APPLICATION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT,**
 2 **CROSS-COMPLAINT-IN-INTERPLEADER, AND CROSS-CLAIM.**

3
 4 I am familiar with the United States District Court, Southern District of
 5 California's practice for collecting and processing electronic filings. Under that
 6 practice, documents are electronically filed with the Court. The Court's CM/ECF
 7 system will generate a Notice of Electronic Filing (NEF) to the filing party, the
 8 assigned judge, and any registered users in the case. The NEF will constitute
 9 service of the document. Registration as a CM/ECF user constitutes consent to
 10 electronic service through the Court's transmission facilities. Under said practice,
 11 the following CM/ECF users were served:
 12

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Stephen E. Smith, Esq. SMITH SMITH & FEELEY LLP 2601 Main Street, Suite 580 Irvine, California 92614	Attorneys for Interinsurance Exchange of the Automobile Club Telephone: 949.263-5920 Fax: 949.263-5925 e-mail: ssmith@insurlaw.com

23 I declare under penalty of perjury under the laws of the State of California that the above
 24 is true and correct.

25 Executed on July 31, 2008, at San Diego, California.

26 
 27 _____
 28 Genie W. Jones, CCLS